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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 KATHRYN E. NIXON,

9 Plaintiff,

10 v.

11 FRANCISCAN HEALTH SYSTEM, et
12 al.,

13 Defendants.

CASE NO. C11-5076BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION FOR
CLARIFICATION

14 This matter comes before the Court on Defendant Franciscan Health System's
15 ("Franciscan") motion for clarification. Dkt. 68. The Court has considered the pleadings
16 filed in support of and in opposition to the motion and the remainder of the file and
17 hereby grants in part and denies in part the motion for clarification for the reasons stated
18 herein

19 On March 12, 2012, the Court issued an order granting Franciscan's motion for
20 summary judgment. Dkt. 64. On March 14, 2012, Nixon filed a motion for
21 reconsideration of the Court's order. Dkt. 66. On March 28, 2012, the Court issued an
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1 order granting in part and denying in part Nixon's motion for reconsideration and
2 upholding the Court's earlier ruling on summary judgment in favor of Franciscan. Dkt.
3 75.

4 On March 21, 2012, Franciscan filed the motion for clarification asking the Court
5 to enter and order that: (1) Franciscan is not subject to the remaining pretrial deadlines in
6 this case; (2) Franciscan is not obligated to participate at the trial of this matter; and (3)
7 evidence and testimony related solely to Nixon's dismissed claims against Franciscan
8 cannot be presented at trial. Dkt. 68.

9 As an initial matter, to the extent Franciscan is seeking an evidentiary ruling
10 regarding what evidence may be presented at trial, the motion for clarification is denied.
11 Such issues will be resolved by the Court through motions in limine filed by the
12 remaining parties in this action. Next, the Court concludes that the order on Franciscan's
13 motion for summary judgment (Dkt. 64) and the order on Nixon's motion for
14 reconsideration (Dkt. 75) constitute a final judgment under Rule 54(b) of the Federal
15 Rules of Civil Procedure as there is no just reason for delay in ordering a final judgment
16 in favor of Franciscan. Accordingly, Franciscan is not subject to the remaining pretrial
17 deadlines in this case and is not obligated to participate as a party at the trial in this
18 matter.

19 Therefore, it is hereby **ORDERED** that Franciscan's motion for clarification (Dkt.
20 68) is **GRANTED in part** and **DENIED in part** as discussed herein and this order, in
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1 combination with Dkts. 64 & 75 constitute a **FINAL JUDGMENT** in favor of
2 Franciscan.

3 Dated this 5th day of April, 2012

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7 BENJAMIN H. SETTLE
8 United States District Judge
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